

# ALABAMA SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

4,102 as of February 4, 2003.<sup>1</sup>

### **1. WHO IS REQUIRED TO REGISTER?**

An adult sex offender who resides in Alabama and who is convicted in any state or municipal court in Alabama or in another state in any court having jurisdiction similar to the jurisdiction of state or municipal courts in Alabama of a criminal sexual offense is required to register.

*(Ala. Code § 13A-11-200)*

### **2. WHO IS AN “ADULT SEX OFFENDER”?**

An adult sex offender is a person convicted of a criminal sexual offense.

*(Ala. Code § 15-20-21(1))*

### **3. WHAT IS A “CRIMINAL SEXUAL OFFENSE”?**

A “criminal sexual offense” is any act of sexual perversion involving a member of the same or opposite sex, of sexual abuse of any member of the same or opposite sex, or any attempt to commit sexual perversion or sexual abuse. Specifically included are the offenses of:

- (1) rape in the first or second degree;
- (2) sodomy in the first or second degree;
- (3) sexual misconduct;
- (4) sexual torture;
- (5) sexual abuse;
- (6) enticing a minor to enter a vehicle, room, house, office, or other place for immoral purposes;
- (7) indecent exposure;
- (8) promoting prostitution in the first or second degree;
- (9) obscenity;
- (10) violating the Alabama Child Pornography Act;
- (11) kidnapping a minor, except by a parent;
- (12) soliciting a minor by computer for the purposes of committing a sexual act;
- (13) transmitting obscene material to a minor by computer;
- (14) incest, when the offender is an adult and the victim is a minor;
- (15) an attempt to commit any of the offenses listed in (1) through (14) above; or

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<sup>1</sup> This number was provided by Parents for Megan’s Law, a national, not-for-profit, child-advocacy group.

- (16) an offense committed in any state or a federal, military, Indian, or foreign-country jurisdiction that, if committed in Alabama under the current provisions of law, would constitute an offense listed in (1) through (15) above.

*(Ala. Code § 13A-11-200; § 15-20-21(4))*

**4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

Juvenile, criminal sex offenders and youthful, criminal sex offenders may be required to register.

*(Ala. Code §§ 15-20-21(6), (16))*

If a youthful, criminal sex offender has not been previously adjudicated for a criminal sexual offense, he or she will be considered a juvenile, criminal sex offender; however, if a youthful, criminal sex offender has been previously adjudicated or convicted of a criminal sexual offense, he or she will be treated as an adult, criminal sex offender.

*(Ala. Code § 15-20-31)*

**5. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

An offender who is required to register must do so within 30 days following his or her release from custody with the sheriff of the county of his or her legal residence.

*(Ala. Code § 13A-11-200)*

**6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

An adult, criminal sex offender must submit a “notice of intent to move” to the sheriff of the county and the chief of police of the municipality in which he or she resides and to the sheriff of the county and the chief of police of the municipality to which he or she plans to move, if such are different, at least 30 days prior to moving to the new location.

*(Ala. Code § 13A-11-200; § 15-20-23(a))*

If the parent, custodian, or guardian of a juvenile, criminal sex offender intends to transfer the residence of the juvenile, criminal sex offender, or the custody of the juvenile, criminal sex offender is changed to a different parent or guardian resulting in a transfer of residence, the original parent or guardian in custody must declare in writing the actual living address of the intended new residence for the juvenile, criminal sex offender and provide this information to the sheriff for the current residence at least 14 days prior to moving to the new location.

*(Ala. Code § 15-20-29(b))*

Change of name, for marital or religious purposes only, must be reported to the sheriff of the county in which the criminal sex offender resides within 30 days of the effective date of the name change.

*(Ala. Code § 15-20-36)*

Changes in enrollment or employment status of an adult, criminal sex offender at a school or an institution of higher education must be reported by the offender within five days after the change becomes effective.

*(Ala. Code § 15-20-25.29(c))*

**7. WHAT HAPPENS IF AN OFFENDER MOVES FROM ALABAMA TO ANOTHER STATE?**

If an adult, or juvenile, criminal sex offender declares his or her intent to reside outside Alabama upon release, the responsible agency must, within five business days of the offender’s written declaration,

notify the Director of the Department of Public Safety, the Attorney General, or the designated law-enforcement agency of the state to which the adult, or juvenile, criminal sex offender has declared his or her intent to move. The Alabama Criminal Justice Information Center must also be notified.

*(Ala. Code § 15-20-22(a)(2); § 15-20-29(a)(2))*

**8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO ALABAMA REQUIRED TO REGISTER?**

An out-of-state offender must register within 30 days of his or her arrival in Alabama with the sheriff of the county of his or her legal residence.

*(Ala. Code § 13A-11-200)*

**9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN ALABAMA?**

Any adult, criminal sex offender who is not a resident of Alabama must register with law enforcement whenever he or she comes into Alabama to accept employment, carry on a vocation, or become a student. The offender must also register any subsequent changes in his or her place of lodging, employment, or school being attended. Registration must take place within five days after entering Alabama or changing the place of lodging, employment, or school being attended, by providing a written declaration to the sheriff of the county and the chief of police of the municipality in which the offender intends to work or become a student. The written declaration must contain all of the following:

- (1) information concerning the registrant's place of employment or the school being attended;
- (2) the registrant's address in his or her state of residence;
- (3) the address of any place of lodging the registrant may have in Alabama for purposes of employment or attendance as a student; and
- (4) other information as would be necessary to complete a community-notification flier.

*(Ala. Code §§ 15-20-25.1(a)-(b))*

**10. IS REGISTRATION A LIFETIME REQUIREMENT?**

Registration is a lifetime requirement for adult, criminal sex offenders.

*(Ala. Code § 15-20-33(a))*

Juvenile, criminal sex offenders, whether having been incarcerated or not, who reside in Alabama must register for a period of 10 years from the last date of release; however, a juvenile, criminal sex offender who is subsequently convicted as an adult, criminal sex offender within the 10-year period will be considered an adult, criminal sex offender and will be required to register for life.

*(Ala. Code § 15-20-33(b))*

**11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

Whoever willfully or knowingly violates the registration requirements will, upon conviction, be imprisoned for no less than one year, but no more than five, and may be fined no more than \$1,000.

*(Ala. Code § 13A-11-203)*

**12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

**A. Adult, Criminal Sex Offenders**

Before the release of the adult, criminal sex offender in the cities of Birmingham, Huntsville, Mobile, and Montgomery, the chief of police must notify all persons who have a legal residence within 1,000 feet of the declared residence of the adult, criminal sex offender and all schools and

childcare facilities within three miles of the declared residence, that the offender will be establishing his or her residence nearby.

*(Ala. Code § 15-20-25(a)(1))*

In all other cities in Alabama with a resident population of 5,000 or more, the chief of police, or if none then the sheriff of the county, must notify all persons who have a legal residence within 1,500 feet of the declared residence of the adult, criminal sex offender and all schools and childcare facilities within three miles of the declared residence, that the offender will be establishing his or her residence nearby.

*(Ala. Code § 15-20-25(a)(2))*

In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the adult, criminal sex offender intends to reside must notify all persons who have a legal residence within 2,000 feet of the declared residence of the adult, criminal sex offender, and all schools and childcare facilities within three miles of the declared residence, that the offender will be establishing his or her residence nearby.

*(Ala. Code § 15-20-25(a)(3))*

A community-notification flier can be delivered by regular mail or by hand delivery to all required legal residences. In addition any other method reasonably expected to provide notification may be utilized, including posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the released criminal sex offender, publicizing the notice in a local newspaper, posting electronically including over the Internet, or by other means available.

*(Ala. Code § 15-20-25(b))*

Information included on a community-notification flier includes the offender's:

- (1) name;
- (2) actual living address;
- (3) sex;
- (4) date of birth;
- (5) complete physical description including distinguishing features such as scars, birthmarks, or any identifying physical characteristics;
- (6) current photograph; and
- (7) criminal sexual offense for which he or she has been convicted including the age and gender of the victim, the geographic area where the offense occurred, and the date upon which he or she will be released from custody.

*(Ala. Code § 15-20-21(3))*

Information contained on the community-notification fliers is also available at the sheriff's office and police headquarters, if a police department has jurisdiction over the criminal sex offender's residence. The information is available to the public for inspection and identification purposes during regular business hours.

*(Ala. Code § 15-20-21(3))*

## **B. Juvenile, Criminal Sex Offenders**

Unless otherwise ordered by the sentencing court, a juvenile, criminal sex offender is not subject to notification upon release.

*(Ala. Code § 15-20-28(c))*

If the court determines there is a need for notification, the levels of notification to be applied are as follows:

- (1) If the risk of reoffense is low, notification that the juvenile, criminal sex offender will be establishing his or her residence will be given to the principal of the school he or she will attend after release. This notification includes the offender's name, actual living address, date of birth, and a statement of the criminal sexual offense for which he or she has been adjudicated delinquent including the age and gender of the victim.
- (2) If the risk of reoffense is moderate, notification that the juvenile, criminal sex offender will be establishing his or her residence will be given to all schools and childcare facilities within three miles of the declared residence of the juvenile, criminal sex offender. A community-notification flier will be delivered to all schools or childcare facilities as required. A flier will also be on file with the sheriff in the county of residence and will be made available for public inspection. No other method may be used to disseminate this information.
- (3) If the risk of reoffense is high, the public will receive notification as though the juvenile, criminal sex offender were an adult.

*(Ala. Code § 15-20-28(g))*

### **13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

The Alabama Bureau of Investigation has made the "criminal, sex-offender search" available on the Internet at [http://www.dps.state.al.us/abi/so\\_doc/so\\_templates/browser\\_newer/so\\_index\\_newer.html](http://www.dps.state.al.us/abi/so_doc/so_templates/browser_newer/so_index_newer.html).

The database can be searched by zip code, city name, county, and offender name.

Information available includes the offender's:

- (1) name;
- (2) race;
- (3) sex;
- (4) date of birth;
- (5) height and weight;
- (6) hair and eye color;
- (7) address;
- (8) sexual offense and description; and
- (9) offense location.